

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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April 14, 2022

The Honourable David Eby
Attorney General of British Columbia
Via email only: AG.Minister@gov.bc.ca

Re: Criminal Contempt Charges to Wet'suwet'en Land Defenders and Their Allies

Dear Minister Eby,

The Union of BC Indian Chiefs (UBCIC) Executive has learned that Justice Marguerite Church has invited the B.C. Prosecution Service to consider charging Wet'suwet'en land defenders and their allies with criminal contempt for their actions on territories which have never been ceded, released or surrendered to the Crown. The UBCIC Executive unequivocally urges the Ministry of Attorney General not to proceed with criminal charges in this matter. Wet'suwet'en hereditary leadership, the rightful title holders of the land on which the alleged actions took place, have not permitted the construction of sections of the Coastal GasLink pipeline through the territory under their jurisdiction. The Wet'suwet'en continue to exercise their right to govern and occupy their lands by continuing and empowering Wet'suwet'en law and governance systems.

By UBCIC Resolution 2022-12, *Ending the Criminalization and Human Rights Violations of Indigenous Land Defenders*, the UBCIC Chiefs Council condemns the criminalization of Indigenous land defenders and the intimidation, harassment, and forceful land dispossession that constitute a breach of international human rights standards and the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*. The UBCIC continues to urge the Provincial government to uphold the minimum standards of Free, Prior and Informed Consent and the rights defined in the *UN Declaration*, including Articles 7, 10, 23, 26, 29 and the rights of Indigenous peoples to their lands and to own, use, develop and control the lands, territories and resources that they possess.

The UBCIC also urges the Provincial government to uphold its own law and respect Section 35 of the *Constitution Act, 1982*. The Supreme Court of Canada in *Delgamuukw v British Columbia*, which recognizes Wet'suwet'en people's rights and unextinguished title to a portion of their traditional territory, highlights: "The content of aboriginal title contains an inherent limit in that lands so held cannot be used in a manner that is irreconcilable with the nature of the claimant's attachment to those lands." The actions of the Wet'suwet'en land defenders are an effort to guard their constitutionally-protected rights while asserting their inherent jurisdiction in line with Indigenous law.

The *Declaration Act on the Rights of Indigenous Peoples Act Action Plan (DRIPA Action Plan)* has identified several outcomes that British Columbia has committed to working towards in collaboration with Indigenous Peoples. These include establishing dispute-resolution and relationship-building processes with Indigenous Peoples that are fair, just, accessible, and integrate Indigenous laws and protocols in order to limit the use of the court system to a last resort. Continued use of the courts and police to prevent Indigenous peoples within British Columbia to exercise their rights to determine priorities and strategies for the use of their traditional territories represents a significant barrier to the full enjoyment of our inherent rights.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief Don Tom
Vice-President



Kukpi7 Judy Wilson
Secretary-Treasurer

CC: Peter Juk, Assistant Deputy Attorney General
Office of the Wet'suwet'en